

BOARD OF PUBLIC WORKS
February 25, 2009

A regular meeting of the Board of Public Works of the Consolidated City of Indianapolis, Marion County, Indiana, was held the 25th day of February 2009, in the Public Assembly Room of the City County Building. Chair David Sherman called the meeting to order at 1:00 p.m.

Board members in attendance were: David Sherman Robert Parrin Angel Rivera
Vinnie Rao Cassie Stockamp Dennis Rosebrough

Absent: Kenneth Hughes

Staff in attendance were:	DeAnn Milliken	Mike Smith	Steven Nielsen
	Larry Jones	Jeff Sirmin	LeAnnette Pierce
	Andrea Brandes	Darrell Fishel	Andrea Brandes
	John Morgan	Tim Shutters	Monica Ferguson
	Karen Sullivan	Bob Ransom	

ITEM # 1 – RESOLUTIONS

- a. Resolution No. 11, 2009; Big Ten Basketball Tournaments

Staff recommended that the Board of Public Works approve and adopt Resolution No. 11, 2009; for the Big Ten Basketball Tournaments. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 5-0 to approve and adopt Resolution No. 11, 2009.

- b. Resolution No. 12, 2009; Parking Meter Waiver Fees for the St. Patrick's Day Parade

Staff recommended that the Board of Public Works approve and adopt Resolution No. 12, 2009; for the St. Patrick's Day Parade. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 5-0 to approve and adopt Resolution No. 12, 2009.

- c. Resolution No. 13, 2009; Parking Meter Waiver Fees for the Good Friday Way of the Cross

Staff recommended that the Board of Public Works approve and adopt Resolution No. 13, 2009; for the Good Friday Way of the Cross. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 5-0 to approve and adopt Resolution No. 13, 2009.

ITEM # 2 – BID AWARDS

- a. RS-09-021; Resurfacing with Related Items in Washington Township
\$1,053,400.00 – Rieth-Riley Construction Co.,

Staff recommended that the Board of Public Works award Project No. RS-09-021, Resurfacing with Related Items in Washington Township to Rieth-Riley Construction Co, Inc., in the not to exceed amount of \$1,053,400.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate or construction of the project is \$1,564,861.21 and the percentage between the low bid and the engineer's estimate is 32.68%. This project consists of resurfacing with related items in Washington Township. Upon

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a motion by Mr. Parrin, seconded by Ms. Stockamp, the Board voted 4-0 to approve the Resurfacing with Related Items in Washington Township Project with Mr. Rosebrough abstaining.

Mr. Rivera arrived at 1:05.

- b. CW-09-012; Indy Access Ramps with Related Items in Center Township
\$132,257.00 – E & J Concrete, Inc.

Staff recommended that the Board of Public Works award Project No. CW-09-012, Indy Access Ramps with Related Items in Center Township to E & J Concrete, Inc., in the not to exceed amount of \$132,257.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of the project is \$200,000.00 and the percentage between the low bid and the engineer's estimate is 33.9%. This project consists of ramp repairs with related items. Ms. Stockamp asked who were the MBE/WBE's on the other bidders. Mr. Smith replied that he did not have the information on the other bidders. Ms. Stockamp asked if staff would provide MBE/WBE information to the board before making a presentation. Mr. Smith replied that he would do that. Upon a motion by Mr. Rao, seconded by Mr. Rivera, the Board voted 6-0 to approve the Indy Access Ramps with Related Items in Center Township Project.

- c. CS-32-005; Justification for the Rejection of Bids, Merrill Street Combined Sewer Rehabilitation
\$0.00

Staff recommended that the Board of Public Works reject all bids received for Project No. CS-32-005, Merrill Street Combined Sewer Rehabilitation on the basis that the apparent low bidder was non-responsive for failure to file an application for waiver form and the remaining bids substantially exceeded the engineer's estimate. This project consists of the installation of cured in place pipe liner and manhole rehabilitation. Ms. Stockamp asked staff to explain the rationale of why the bids were rejected. Director Sherman replied that there was a disparity of four hundred-thousand dollars, and that the vendor failed to submit an application for a waiver form. He stated that because the cost was beyond what staff anticipated, staff believed it would be best to re-bid the project.

Mr. Sirmin, from the Office of Corporation Counsel stated that it would be best characterized as a clerical error. Unfortunately, he stated that the requirement with the bids is that you must meet the goals, and if you fail to meet the goals you must make a good faith effort. In addition to making a good faith effort, you must file a waiver form with the bid. Mr. Parrin asked if this was the only option. Mr. Sirmin replied yes, only with this bidder, which would be consistent with the way the bid process is set up. He stated that the City has elected to make the MBE/WME an issue of responsiveness; and as part of it, it is required that if you don't meet the requirements you must file a waiver form, so the issue of who is at risk for failing to meet the 15% and 8% would be the bidder. Director Sherman asked if staff reserved the right to reject any or all bids. Mr. Sirmin replied that he would say reserved the right; however, it's an obligation because this is a public body, staff is required to be consistent with public bids. Upon a motion by Mr. Rosebrough, seconded by Mr. Rao, the Board voted 6-0 to reject all bids received for Project No. CS-32-005.

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- d. CW-09-011; Indy Access Ramps with Related Items in Washington Township
\$122,615.00 – E & J Concrete, Inc.

Staff recommended that the Board of Public Works award Project No. CW-09-011, Indy Access Ramps with Related Items in Washington Township to E & J Concrete, Inc., in the not to exceed amount of \$122,615.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of the project is \$237,500.00 and the percentage between the low bid and the engineer's estimate is 48.4%. This project consists of ramp repairs with related items. Upon a motion by Ms. Stockamp, seconded by Mr. Parrin, the Board voted 6-0 to approve the Indy Access Ramps with Related Items in Washington Township Project.

- e. RS-09-020; Resurfacing with Related Items in Pike and Wayne Townships
\$1,575,250.00 – Rieth-Riley Construction Co

Staff recommended that the Board of Public Works award Project No. RS-09-020, Resurfacing with Related Items in Pike and Wayne Townships to Rieth-Riley Construction Co, Inc., in the not to exceed amount of \$1,575,250.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of the project is \$2,197,314.00 and the percentage between the low bid and the engineer's estimate is 28%. Mr. Rao point out that this company had met MBE/WBE goals in the past, and wondered why they did not meet the goals with this project. Mr. Smith replied that typically when there is a larger percentage of WBE's on paving markers, mulch seeking and sod, you will find that the numbers are down; however, Rieth Riley is using a WBE surveying company for their construction lay out, which is something that they usually do not do; so it appears that Rieth Riley has gone of their way to make WBE numbers a little higher. Upon a motion by Mr. Parrin, seconded by Mr. Rivera, the Board voted 6-0 to approve the Resurfacing with Related Items in Pike and Wayne Townships Project.

- f. BL-46-083D; Meridian/Stop 11 Corridor Septic Tank Elimination Program (STEP)
\$2,191,185.00 – Atlas Excavating, Inc.

Staff recommended that the Board of Public Works award Project No. BL-46-083D, Meridian/Stop 11 Corridor Septic Tank Elimination Program to Atlas Excavating, Inc., in the not to exceed amount of \$2,191,185.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of the project is \$2,860,000.00 and the percentage between the low bid and the engineer's estimate is 30%. This project is SRF funded and consists of approximately 11,000 ft of gravity sanitary sewer and restoration of the disturbed project area. Upon a motion by Mr. Rivera, seconded by Ms. Stockamp, the Board voted 6-0 to approve the Meridian/Stop 11 Corridor Septic Tank Elimination Program (STEP) Project.

- g. CW-09-010; Indy Access Ramps with Related Items in Wayne Township
\$101,110.50 – Tiger Concrete Construction, Inc.

Staff recommended that the Board of Public Works award Project No. CW-09-010, Indy Access Ramps with Related Items in Wayne Township to Tiger Concrete Construction, Inc., in the not to exceed amount of \$101,110.50 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate

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for construction of the project is \$141,857.00 and the percentage between the low bid and the engineer's estimate is 28.7%. This project consists of ramp repairs with related items. Mr. Rosebrough asked if the company is a MBE, why would the company not say it's a 100% MBE. Mr. Rivera replied that the State is the same way, the State will not give you credit; however, he stated that he believes it's a matter of fairness. Mr. Bob Ransom, DAEO/Equal Opportunity replied that there are two initiatives; subcontracting and prime contract opportunities. He stated that staff counts the amount of participation by MBE/WBE's prime contractors through a report from the Purchasing Department. Upon a motion by Mr. Rivera, seconded by Mr. Rosebrough, the Board voted 6-0 to approve the Indy Access Ramps with Related Items in Wayne Township Project.

- h. RS-09-022; Resurfacing with Related Items in Lawrence and Warren Townships
\$2,958,200.00 – Milestone Contractors, L.P

Staff recommended that the Board of Public Works award Project No. RS-09-022, Resurfacing with Related Items in Lawrence and Warren Townships to Milestone Contractors, L.P. in the not to exceed amount of \$2,958,200.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of the project is \$4,604,121.50 and the percentage between the low bid and the engineer's estimate is 35.72%. This project consists of ramp repairs with related items. Upon a motion by Ms. Stockamp, seconded by Mr. Rivera, the Board voted 5-0 to approve the Resurfacing with Related Items in Lawrence and Warren Townships Project with Mr. Rosebrough abstaining.

ITEM # 3 – CHANGE ORDERS

- a. BL-27-047, C/O No. 2; Post/Rawles Septic Tank Elimination Program
\$44.40 – Atlas Excavating, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 2 for Atlas Excavating in the increased amount of \$44.40 for a new contract total of \$3,283,917.72 and an increase of 4 calendar days for Project No. BL-27-047, Post/Rawles Septic Tank Elimination Program project. This change order allows for several adjustments for placed quantities as well as one additional lateral bore under Post Road and additional saddle connections to the existing sewer on Post Road. The saddles were not present on the sewer as anticipated in the plans. This change order will allow the contractor to be paid for these quantity adjustments. Ms. Stockamp asked if there was a lateral missed or if there was something added. Mr. Smith replied that there was a couple of laterals missed and some added. Ms. Stockamp asked if preventive measures were taken to prevent this mistake from happening again. Mr. Smith replied yes. Upon a motion by Mr. Parrin, seconded by Ms. Stockamp, the Board voted 6-0 to approve Change Order No. 2 for the Post/Rawles Septic Tank Elimination Program Project.

- b. RS-08-010, C/O No. 2; Resurfacing with Related Items of Work in Center Township
\$662.00 – Calumet Civil Contractors, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 2 for Calumet Civil Contractors, Inc., in the increased amount of \$662.00 for a new contract total

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of \$737,211.30 and an increase of 107 calendar days for Project No. RS-08-010, Resurfacing with Related Items of Work in Center Township. This change order adds days due to abnormally low temperatures experienced last fall. The contractor could not place surface on McCarty Street due to cold temperatures. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 6-0 to approve Change Order No. 2 for the Resurfacing with Related Items of Work in Center Township Project.

ITEM # 4 – PROFESSIONAL SERVICE AGREEMENTS

- a. SY-00-111; USGS Biological and Sediment Assessment
\$595,912.00 – United States Geological Survey

Staff recommended that the Board of Public Works approve a Joint Funding Agreement with the United States Geological Survey (USGS) for Project No. SY-00-111, USGS Biological and Sediment Assessment for the period April 1, 2009 to March 31, 2014 in an amount not to exceed \$595,912.00. This project consists of analyzing biotic communities; including fish and benthic invertebrates, as indicators of environmental quality in streams and rivers in Marion County. Mr. Parrin asked what the data was used for. Mr. Masbaum replied the data is a long term study that staff had been working on since the early nineties, and what it does is look at the insect communities, which is called benthic invertebrates.

Mr. Parrin asked what kind of action had been taken since the nineties based on this data. Mr. Masbaum replied that he was not certain what modifications had been taken. Director Sherman mentioned that based on the way staff has been running the waste water treatment plants, and the enforcement of the industrial treatment program, through a series of tests, what is looked at is the impact of overflows and other industrial and domestic challenges. He stated if the numbers were to get worst with habitat dying off or growing, it would mean that staff has missed something in the way things are processed. He stated that with the Combine Sewer Overflow and Stormwater programs everything staff is doing is a check and balance of the water quality, and a validation of how successful the process is. Mr. Rosebrough asked why staff selected USGS, versus going with a private firm. Mr. Masbaum replied that USGS has very high standards and that they are providing half of the funding. Director Sherman replied that USGS is the accountability that is needed and the reliability that adds to the study that staff is doing. Upon a motion by Ms. Stockamp, seconded by Mr. Rivera, the Board voted 6-0 to approve the USGS Biological and Sediment Assessment on Agreement.

- b. Green Infrastructure Implementation Master Plan
\$220,000.00 – Williams Creek Consulting

Staff recommended that the Board of Public Works approve and authorize the Director to execute an Agreement with Williams Creek Consulting, Inc., for the amount of \$220,000.00 for a contract term of two years ending February 28, 2011. The City's Office of Sustainability is working closely with DPW Engineering to coordinate efforts to identify opportunities for implementing Green Infrastructure into future planned City projects within and outside the Long Term Control Plan area. By utilizing green infrastructure, the City will minimize Stormwater run off from entering the combined sewer system, reducing overflow events while creating community desired green space and improving economic development opportunities. Director Sherman introduced Kären Haley, Director of Sustainability Department. Ms. Haley

stated that staff is forcing on Green Infrastructure, Long Term Control Plan, energy efficient, city building in operations, expanding and enhancing the recycling program, and looking at green building initiatives for the City, which is the core force area right now. Mr. Parrin asked about attachment A. Ms. Haley replied that one of the things that staff has outlined is the on-call piece of the contract, which is an independent technical review to look at projects for their capability to add green infrastructure, and to add sustainability green situation to projects as they are in design phase. Upon a motion by Ms. Stockamp, seconded by Mr. Rivera, the Board voted 6-0 to approve the Green Infrastructure Implementation Master Plan Agreement.

ITEM # 5 – PROFESSIONAL SERVICE AMENDMENTS

- a. Southeastern Corridor STEP and Neighborhood Drainage Project Phase I, Amendment No. 4
\$99,660.00 – Hannum, Wagle & Cline Engineering

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 4 to the Professional Service Agreement dated February 12, 2003 with Hannum, Wagle & Cline Engineering for Project No. BL-41-003/SD-41-007, Southeastern Corridor Septic Tank Elimination Program and Neighborhood Drainage Project Phase I in the increased amount of \$99,660.00 for a total amount not to exceed \$3,377,081.00. This amendment provides for an update to the contract schedule along with additional design services for the sanitary sewers in the Southeastern Corridor Phase I project area. Upon a motion by Ms. Stockamp, seconded by Mr. Rao, the Board voted 6-0 to approve Amendment No. 4 for the Southeastern Corridor STEP and Neighborhood Drainage Project Phase I Agreement.

- b. SY-00-082H; On-Call Flow Monitoring 2007, Amendment No. 1
\$100,000.00 – ADS, LLC

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 1 between ADS LLC and the City of Indianapolis, for Project No. SY-00-082H, On-Call Flow Monitoring 2007 for an amount not to exceed \$100,000.00 for a total contract amount not to exceed \$225,000.00 and an extension of contract time to December 31, 2010. This amendment is for additional temporary flow monitoring in the Lick Creek, Bean Creek, and East Marion County Relief interceptors in conjunction with hydraulic modeling performed by the CST. Mr. Parrin asked whether or not the rates were the same as last year. Mr. Nielsen replied yes. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 6-0 to approve Amendment No. 1 for the On-Call Flow Monitoring 2007.

- c. SS-07-001; Basin 49 Sewer Rehabilitation
\$0.00 – M.D. Wessler & Associates, Amendment No. 1

Staff recommended that the Board of Public Works approve and authorize the Director to execute Professional Services Amendment No. 1 for Design Services with M.D. Wessler & Associates for Project No. SS-07-007, Basin 49 Sewer Rehabilitation for a time extension to December 31, 2009. The contract amount remains at the original not to exceed amount of \$404,440.73. The original scope of work consists of performing sewer system field investigation tasks to investigation tasks to identify and document sewer

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system defects, structural condition and sources of infiltration/inflow (I/I) and evaluate all collected data to justify all subsequent work required to complete additional sewer evaluation task, design and repairs or rehabilitation of existing sanitary system within Basin 49. Upon a motion by Ms. Stockamp, seconded by Mr. Rao, the Board voted 6-0 to approve Amendment No. 1 to the Basin 49 Sewer Rehabilitation Agreement.

- d. ENG-07-022; On-Call Design Engineering Services, Amendment No. 2
\$0.00 – Beam Longest & Neff

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 2 to the Professional Service Agreement dated August 15, 2007, with Beam, Longest and Neff, LLC for Project No. ENG-07-022, On-Call Design Engineering Services for a time extension only. This amendment will provide for additional contract time to allow the design firm to take on more assignments and to further use the remaining funds in the original contract. Upon a motion by Mr. Parrin, seconded by Ms. Stockamp, the Board voted 6-0 to approve Amendment No. 2 to the On-Call Design Engineering Services Agreement.

- e. BL-33-053; Southeastern Corridor STEP Phase II, Amendment No. 2
\$339,050.00 – Hannum, Wagle & Cline Engineering

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 2 to the Professional Service Agreement dated July 12, 2006 with Hannum, Wagle & Cline Engineering, for Project No. BL-33-053, Southeastern Corridor Septic Tank Elimination Program Project Phase II in the increased amount of \$339,050.00 for a total amount not to exceed \$2,048,855.00. This amendment provides for an update to the contract schedule and additional design services to incorporate sanitary sewers in the Iona/Hunter project area. The Iona/Hunter area is being included in this project since this area is adjacent to the current project area and a portion of the current area will be directed towards Iona/Hunter. Upon a motion by Mr. Rivera, seconded by Ms. Stockamp, the Board voted 6-0 to approve Amendment No. 2 to the Southeastern Corridor STEP Phase II Agreement.

ITEM # 6 – OTHER BUSINESS

There being no further business the meeting of the Board of Public Works was adjourned at 1:53 p.m.



David Sherman, Chair



Kimberly A. Frye, Recording Secretary